

**REMARKS/ARGUMENTS**

In view of the amendments and remarks herein, favorable reconsideration and allowance of this application are respectfully requested. By this Amendment, claims 10, 13 and 14 have been amended and claims 1-9 and 12 have been canceled, without prejudice or disclaimer. Thus, claims 10 and 13-19 are pending for further examination.

Claims 1, 10, 15 and 19 have been rejected under 35 USC 103(a) as being obvious over Armstrong ('802). Claims 3-4 and 12-13 have been rejected under 35 USC 103 as being obvious over NHL 2001 in view of Armstrong. Finally, claims 5, 7-9, 14 and 16-18 have been rejected under 35 USC 103 as being obvious over NBA Live 2001 in view of Armstrong.

While applicant does not believe that the cited references provide support for the outstanding rejections, and, as a result, does not acquiesce to any of the rejections, Applicant has amended the claims herein in a manner that is believed to even more clearly and patentably distinguish the prior art of record in order to move this case towards allowance. Specifically, Applicant has amended claim 10 herein to require that the claimed method include, *inter alia*, defining initial character parameters for the sports game character and an opposing sports game character for use during game play, wherein the initial character parameters define play characteristics for the game character and the opposing game character; adjusting at least one of the initial character parameters for the game character based on the adrenaline value; performing the animated action by the game character using the at least one adjusted character parameter, wherein the at least

one adjusted character parameter is related to the animated action and influences the success or failure of the action depicted by the animated action; and adjusting at least one of the initial character parameters for the opposing character based on the adrenaline value and performing an animated action by opposing character at the same time as the game character's animated action using the adjusted character parameter thereof.

Applicant respectfully submits that the prior art of record does not disclose or suggest this specific combination of features defined in amended claim 10. For example, none of the references of record disclose or suggest the use of a control element to determine an adrenaline value for an animated action of a sports game character and then using the adrenaline value to adjust initial character parameters that define characteristics for sports game character and an opposing sports game character. The prior art of record also fails to disclose the features of using the adjusted parameters to perform animated actions for both the game character and the opposing game character, and wherein the adjusted character parameter influences the success or failure of the action depicted by the animated action of the game character. As explained in the previous response, the references also fail to teach or suggest the use of separate control elements for the animated action and the adrenaline value as also defined in the pending claims. Thus, Applicant believes that the prior art of record fails to establish a prima facie case of obviousness under Section 103 for the currently pending claims.

While Armstrong teaches the use of an analog control element, and NHL 2001 and NBA live may support the use of an analog control element, the combined teachings of

MAYER et al.  
Appl. Nö. 09/960,702  
January 12, 2005

these references fail to provide any teaching or suggestion to implement an adrenaline feature into a sports video game in the specific manner defined in the pending claims. Thus, without the use of improper hindsight reconstruction, using the teaching of the instant invention, the pending claims are not rendered obvious under Section 103.

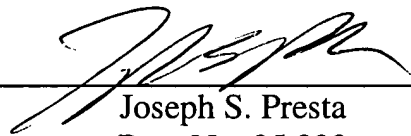
In view of the foregoing amendments and remarks, Applicant believes that the pending claims patentably distinguish the prior art of record and are in condition for allowance. Thus, withdrawal of the rejections and allowance of this application are respectfully submitted.

Should the Examiner have any questions regarding this case, or deem that any formal matters need to be addressed prior to allowance, the Examiner is invited to call the undersigned attorney at the phone number below.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By: \_\_\_\_\_

  
Joseph S. Presta  
Reg. No. 35,329

JSP:mg  
1100 North Glebe Road, 8th Floor  
Arlington, VA 22201-4714  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100